

AMENDED IN SENATE JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1657

Introduced by Assembly Member Chan
(Coauthors: Assembly Members Calderon, Cohn, *Hancock*,
Jerome Horton, *Koretz*, *Lieber*, and Nunez)
(Coauthors: Senators Kuehl and Soto)

February 21, 2003

An act to add Section 25602.6 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1657, as amended, Chan. Gelatin-based alcoholic beverages.

(1) The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon alcoholic beverage licenses by the Department of Alcoholic Beverage Control. That act imposes additional regulations on the sale of alcoholic beverages and creates penalties for violations of those regulations.

This bill would prohibit the sale, offering for sale, distribution, or import into this state of any prepackaged ~~gelatin-based~~ alcoholic beverage *made with a gelatin, or other similar base, intended to solidify the product* unless it is sold, offered for sale, or intended to be sold *for consumption on the premises* in a business establishment that prohibits the presence of persons under 21 years of age on its premises. A

violation of this provision would be a misdemeanor or would subject the person to a civil action for an injunction and a civil penalty.

This bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that alcohol
2 products that mask the taste of alcohol are especially appealing to
3 underage drinkers and that gelatin-based products may be
4 particularly dangerous to children.

5 The Legislature further finds and declares that the packaging of
6 these products can be easily confused with other gelatin-type
7 snacks and, if not properly regulated, the distribution and sale of
8 these products pose a significant health and safety risk to children
9 in this state.

10 SEC. 2. Section 25602.6 is added to the Business and
11 Professions Code, to read:

12 25602.6. (a) Notwithstanding any other provision of law, no
13 person shall sell, offer for sale, distribute, or import into this state
14 any prepackaged ~~gelatin-based~~ alcoholic beverage *made with a*
15 *gelatin, or other similar base, intended to solidify the product*
16 unless it is sold, offered for sale, or intended to be sold *for*
17 *consumption on the premises* in a business establishment that
18 prohibits the presence of persons under the age of 21 years on its
19 premises.

20 (b) Any person who violates this section is guilty of a
21 misdemeanor or subject to civil action brought by the Attorney
22 General, a city attorney, county counsel, or district attorney for an
23 injunction and a civil penalty of not more than two thousand
24 dollars (\$2,000) per violation.

1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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